

United States Senate
WASHINGTON, DC 20510

September 19, 2014

The Honorable Eric J. Holder, Jr.
United States Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

We write to ask that the Department of Justice (DOJ) begin to track all federal aid to state and local government public safety agencies—including aid provided by the Departments of Defense (DoD) and Homeland Security (DHS). DOJ should also – in consultation with these public safety agencies – evaluate the effectiveness of such aid and its potential to produce unintended consequences, with the goal of developing a national policy regarding public safety assistance. Following meetings we have held with representatives from law enforcement and other local officials in our respective states, we believe that there is a clear need for a more robust federal role in tracking and evaluating public safety equipment transfers nationwide.

DOJ is the federal entity best suited for this crucial task, and we believe that federal law already provides all necessary legal authority. However, if you believe that Congress must act to authorize DOJ to play this oversight and analysis role, we would like to work with you to provide whatever legal authority is needed. We greatly appreciate your leadership in visiting Ferguson, Missouri, to see the facts on the ground, and we look forward to working with you to address the concerns that the events in the Ferguson community have raised.

Recent events have highlighted a growing trend in American law enforcement: the use of military equipment for domestic law enforcement purposes. This trend has been fueled in part by aid to state and local law enforcement agencies from the federal government, including federal departments that have not traditionally played a key role in combatting crime within the United States. Most notably, DoD is now a significant provider of support to state and local law enforcement, and DHS provides significant funding to help law enforcement agencies purchase military-style equipment. Images of police officers dressed in army fatigues wielding assault weapons against unarmed protesters have led many – including many of us who believe passionately in the importance of effective policing – to ask whether the use of military equipment by police officers may actually undermine public safety by reducing communities' trust in their police force.

Given its role as a federal law enforcement agency that has built close ties to other law enforcement agencies, DOJ has historically played a crucial role in shaping criminal justice policy and overseeing federal programs designed to support state and local law enforcement agencies. Indeed, DoD's program of aid to law enforcement requires it to consult with DOJ before it provides assistance. However, with assistance from the Defense Department and the Department of Homeland Security playing a key role in facilitating and shaping law enforcement actions at the state and local level, the Justice Department is no longer able to track all federal aid to state and local law enforcement. As a result, no entity within the federal government is able to analyze the impact of particular types of federal aid and address any identified concerns. With its law enforcement expertise, the Justice Department should be asking and answering questions regarding the effectiveness of programs that transfer military equipment to law enforcement agencies and the potential for unintended consequences resulting from such programs. Only the Justice Department is qualified to address these questions.

DOJ should be made aware of any federal aid to state or local law enforcement. This information should be kept in a form that allows DOJ components like the National Institute for Justice, and

potentially outside researchers as appropriate, to determine whether federal aid – particularly military-style aid – helps or harms public safety. When Congress, the President, or the American people ask whether military aid to law enforcement is serving its stated purpose, DOJ should have what it needs to offer an informed response. Further, this information, together with input from state and local public safety agencies, will greatly assist in the critically important development of national policy and standards regarding federal assistance to public safety agencies and the most effective use of limited resources.

We look forward to working with you on this important issue. Please contact Sam Simon on my staff at Sam_Simon@blumenthal.senate.gov with any questions.

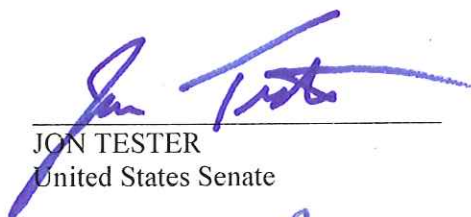
Sincerely,



RICHARD BLUMENTHAL
United States Senate



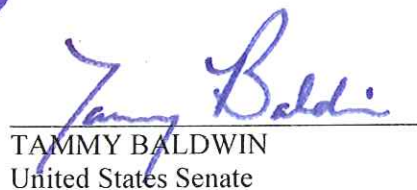
CHRISTOPHER MURPHY
United States Senate



JON TESTER
United States Senate



ROBERT P. CASEY, Jr.
United States Senate



TAMMY BALDWIN
United States Senate